



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Junming Le, Jan Vilcek, Peter Daddona, John Ghrayeb, David Knight and Scott Siegel

Application No.: 10/043,432 Group Art Unit: 1644

Filed: January 10, 2002 Examiner: Phillip Gambel

Confirmation No.: 3288

Title: METHODS OF TREATING CACHEXIA WITH CHIMERIC ANTI-TNF ANTIBODIES

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
Date	Signature
2-14-05	<i>Dawn M Myers</i>
Typed or printed name of person signing certificate	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Supplemental Information Disclosure Statement is submitted under 37 CFR 1.97(c) together with a \$180.00 fee under 37 CRF 1.17(p).

INFORMATION FROM RELATED LITIGATION

The Rockefeller University and Chiron Corporation have filed a complaint in The United States District Court For The Eastern District of Texas, Marshall Division, Civil Action No. 2-04CV-16, against Centocor, Inc., an assignee of this application, for infringement of U.S. Patent Nos: 6,309,640 and 6,419,927. The accused infringement relates to Centocor, Inc.'s product, REMICADE® infliximab. REMICADE® infliximab is also known as cA2, which is recited in the claims and specification in this application. The validity of this patent application is not at issue in the litigation. Nor is the validity of any related patents or patent applications at issue in this litigation.

Enclosed herewith is Form PTO-1449, citing U.S. Patent Nos: 6,309,640 and 6,419,927 and their related European application. Copies of these cited references (AI2, AJ2 and AP7, respectively) are enclosed.

Applicants do not believe that this information is relevant or material to patentability. Applicants merely cite this information in an abundance of caution. Further, Applicants believe that this information is cumulative to References AA and AB, which were cited in the Information Disclosure Statement filed in this application on September 23, 2002. Reference AI2 is a continuation application of Reference AJ2, which is, in turn, a continuation application of References AA and AB and thus have substantially identical disclosures and have the same priority date. In addition, Reference AP7 claims priority to the same priority applications as References AA and AB and has a substantially identical disclosure.

Applicants request that the information disclosed herein be made of record in this application. Applicants respectfully request that the Examiner return a copy of this Supplemental Information Disclosure Statement and acknowledge the information from the related litigation.

Examiner

Date

Method of payment:

- ☒ A check for the fee noted above is enclosed. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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3288

GROUP
1644

**INFORMATION DISCLOSURE STATEMENT
IN AN APPLICATION**

FEB 16 2005 4 00 February 14, 2005

(Use several sheets if necessary)

FOREIGN PATENT DOCUMENTS

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EXAMINER

DATE CONSIDERED